

ENFORCING PARENTING TIME OR LEGAL DECISION-MAKING

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You have a parenting time or legal decision-making order from Coconino County Superior Court.
- You want to enforce that order.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you know your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

STEP 1: FILL OUT THE PETITION FOR ORDER TO APPEAR ON ENFORCEMENT OF PARENTING TIME OR LEGAL DECISION-MAKING

STEP 2: FILL OUT THE ORDER TO APPEAR

STEP 3: FILE THE FOLLOWING WITH THE COURT

Take or mail the original and two copies of the following to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- ☐ Petition for Order to Appear on Enforcement of Parenting Time or Legal Decision-Making
- ☐ Order to Appear

The Clerk will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copies to you.

STEP 4: DELIVER A COPY TO THE JUDGE

On the day you file it, hand-deliver a copy of the Petition for Order to Appear to the inbox outside your judge's office. If you file by mail, mail the copy to the judge at <Judge's Name>, 200 N. San Francisco St., Flagstaff, AZ 86001, and include a note saying that this is the judge's copy of the Petition you filed today by mail.

STEP 5: THE COURT WILL MAIL YOU THE SIGNED ORDER TO APPEAR

STEP 6: SERVE THE FOLLOWING ON THE OTHER PARTY

After you receive the signed Order to Appear, follow the INSTRUCTIONS: SERVING COURT PAPERS ON THE OTHER PARTY in this packet to serve a copy of the following on the other party by 10 days before the hearing. If you fail to complete service on time, you may delay your case or need to start the process all over again.

- ☐ Petition for Order to Appear on Enforcement of Parenting Time or Legal Decision-Making
- ☐ Signed Order to Appear

STEP 7: GO TO THE HEARING

Bring your witnesses, three copies of your evidence, and a copy of every document you filed with the court in this case. Be prepared to tell the judge why you think the court should grant your requests.

Before the court date, watch the courts video *How to Represent Yourself in Court* online at <http://www.youtube.com/watch?v=SfSclA2BkCk> to learn about procedures in court.

Generally, the court allows no more than 30 minutes for this type of hearing, so be prepared.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

_____ Case Number: DO _____
Petitioner

PETITION FOR ORDER TO APPEAR
ON ENFORCEMENT OF:

_____ ☐ LEGAL DECISION-MAKING
Respondent ☐ PARENTING TIME

I ask the court to enforce the following order:
Exact Text of Order:

Name of Court Document Containing the Order: _____

Order Date: _____ Page Number: _____

The order was issued by this court, located at 200 N. San Francisco St., Flagstaff, AZ 86001.

How the Other Party is Disobeying the Order:

How the Other Party Was Originally Notified of the Order:

- ☐ I mailed or hand-delivered it to them and filed an Affidavit of Mailing/Hand-Delivery.
☐ They were at the hearing when the court entered it.
☐ A minute entry says the court mailed it to them.
☐ Other: _____

I request the following other orders:

I ask the court to allow more than 30 minutes for the Order to Appear hearing if needed. At the hearing, besides testifying myself and possibly calling the opposing party as a witness, I expect to bring this many witnesses: _____.

I ask the court to issue any other orders the court deems appropriate.

I have read this Petition. It is true and complete to the best of my knowledge.

Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

ORDER TO APPEAR
POST-JUDGMENT/DECREE

Respondent: _____

READ THIS NOTICE: This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact a lawyer for help.

All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A CIVIL ARREST WARRANT, OR WHERE APPLICABLE, A CHILD SUPPORT ARREST WARRANT, FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL FOR NO MORE THAN 24 HOURS BEFORE A HEARING IS HELD.

Based on documents filed and pursuant to Arizona Law,

IT IS ORDERED THAT YOU, (*other party's name*): _____
appear at the time and place stated below so the court can determine whether the relief asked for in the Petition should be granted.

Leave the rest of the form blank. This is for the court to fill in.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

DIVISION: _____

(All Divisions are in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff.)

TYPE OF HEARING: ☐ case management ☐ evidentiary hearing
 ☐ resolution management ☐ oral argument
 ☐ other (specify): _____

TIME ALLOTTED FOR HEARING: _____

EVIDENCE ☐ WILL or ☐ WILL NOT be presented at the hearing.

IT IS FURTHER ORDERED that a true copy of this “Order to Appear – Post-Judgment/Decree” and a true copy of the documents filed with the Petition shall be served by the moving party on the parties who are required to appear and a true copy of these documents shall be mailed immediately to parties who have appeared in this action, in accordance with Arizona Rules of Family Law Procedure, Rules 40, 41, 42 and 43.

IT IS FURTHER ORDERED that the parties and counsel file and exchange all documents and disclosure as prescribed by Rule 91, within the time specified therein. Failure to comply may result in the imposition of sanctions as set forth in Rule 91(Q).

Requests for reasonable accommodation for persons with disabilities must be made to the office of the Judge or Commissioner scheduled to hear this case five days before your scheduled court date.

If you know in advance that you can’t attend the court proceeding on the date scheduled, you may ask the court to reschedule, or “continue”, the proceeding. Asking for a continuance involves multiple steps and deadlines that the court will expect you to know and follow. See the Self-Help Center packet *Moving a Court Date to a Later Date*.

Date: _____ Judicial Officer: _____

INSTRUCTIONS: SERVING FORMS ON THE OTHER PARTY

Where does the other party live?	Serve the forms in one of these ways
In the U.S. and not on an Indian Reservation	① ② ③ or ④
On an Indian Reservation in the U.S.*	① ⑤ or ⑥
I don't know	⑦
Not in the U.S.	see an attorney

*If the other party lives on an Indian Reservation, there might be more options for service. An attorney can advise you.

- ① **Acceptance of Service:** You ask the other party to accept your delivery of the forms voluntarily so you don't have to pay to serve. See the form "Acceptance of Service" in this packet. Don't use Acceptance of Service if there's domestic violence or you think the other party will be violent or uncooperative.
- ② **Process Server:** You pay a process server to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
- ③ **Sheriff:** You pay the sheriff to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
- ④ **Certified Mail:** You send the forms to the other party through certified mail. See the instructions and forms for "Service by Certified Mail" in this packet.
- ⑤ **Tribally Licensed Process Server:** You pay a tribally licensed process server to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
- ⑥ **Service by Tribal Law Enforcement:** You pay tribal law enforcement to serve the forms. See the forms and instructions for "Service by Process Server, Sheriff, or Tribal Law Enforcement" in this packet.
- ⑦ **Service by Publication:** You pay a newspaper to publish a notice about the case. If you serve by publication, the Court cannot order paternity, child support, or spousal support, and the Court cannot divide your property and debts. See the forms and instructions for "Service by Publication" in this packet.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

ACCEPTANCE OF SERVICE

Respondent: _____

***To the Other Party:** Please sign this form in front of a notary and return it to me in the enclosed self-addressed, stamped envelope to save the cost of hiring someone to serve you with the court papers. Signing does not mean you agree with what I'm asking for.*

I acknowledge I have voluntarily accepted a copy of the following legal papers:

I understand that I may appear at the hearing if one is set in this matter to state my position on the other party's requests and that if I do not appear at the hearing the court may grant those requests without my input.

Signature of Person Accepting Service

Address of Person Accepting Service:

Phone #: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

INSTRUCTIONS: SERVICE BY PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT

1.	<p>Find a process server, sheriff, or tribal law enforcement officer</p> <p>Find a process server or the sheriff in the county where the other party lives.</p> <p>Process servers are in the Yellow Pages.</p> <p>The sheriff is in the government pages of the phonebook. The Coconino County Sheriff's Office is at 911 E. Sawmill Rd., Flagstaff, AZ 86004, 928-774-4523 or (toll-free) 800-338-7888.</p> <p>If the other party lives on an Indian reservation, find a tribally licensed process server in the tribe's phonebook or go through tribal law enforcement.</p>
2.	<p>Call the process server, sheriff, or tribal law enforcement officer</p> <p>Have your Petition in front of you.</p> <p>Ask these questions.</p> <ul style="list-style-type: none">• How much do you charge for service of process?• Do I pay up front, or will you bill me?• Do you file the Affidavit of Service with the court and mail me a copy, or do I need to file it myself? (This is the document showing that the other party was served.) <p>If you have a fee waiver or deferral and are using tribal law enforcement or a sheriff's office in a county other than Coconino, also ask:</p> <ul style="list-style-type: none">• Do you accept fee waivers or deferrals from Coconino County? (They're not required to.) <p>You cannot waive or defer the fee for service by process server.</p>

3.	Fill out the Letter: Service By Process Server, Sheriff, Or Tribal Law Enforcement
4.	<p>Mail or hand-deliver the following to the process server, sheriff, or tribal law enforcement officer</p> <ul style="list-style-type: none"> • Letter: Service by Process Server, Sheriff, or Tribal Law Enforcement • One of the following: <ul style="list-style-type: none"> ○ the fee ○ a certified copy of the court order waiving or deferring fees • One copy of each document you listed in the Letter <p>Keep copies of everything for your records.</p>
5.	Make sure the Affidavit of Service is filed with the court

**LETTER: SERVICE BY PROCESS SERVER, SHERIFF, OR TRIBAL LAW
ENFORCEMENT**

My Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Phone Number: _____

Date: _____

Sheriff of the County of *(if serving by sheriff)*: _____
Process Server's Name *(if serving by process server)*: _____
Tribal Law Enforcement of *(if serving by tribal law enforcement)*: _____
Mailing Address: _____
City, State, Zip Code: _____

Re: Name of Person to Be Served: _____
Court Case Number: _____ DO _____

To whom it may concern:

Please find enclosed a copy of the following documents to be served on the person named above
in the court case referenced above:

Details about the Other Party:

During the workday, the other party can usually be found at: ☐ Home ☐ Work ☐ Other

Home Address: _____
City, State, Zip Code: _____

Work Address: _____
City, State, Zip Code: _____

Other Address: _____
City, State, Zip Code: _____
Or other description of location: _____

Physical Description:

Sex	Race	Birth	Height	Weight	Eyes	Hair	SSN
Additional Description:							

Description of the Other Party's Vehicle:

Make	Model	Year	Color
Additional Description:			

- ☐ I enclose \$_____ in payment for service of process.
- ☐ I understand I will be billed for service of process.
- ☐ I enclose a certified copy of a court order waiving or deferring the fee.

Please note that each document served must be named in the Affidavit of Service.

Thank you for your assistance.

My Signature: _____

INSTRUCTIONS: SERVICE BY CERTIFIED MAIL

1.	Get your copies together You need one copy of each document you filed with the court.
2.	Take them to the post office Ask the post office to mail them “certified mail, restricted delivery to the addressee, with a return receipt”. The post office will send you a “green card” showing they were delivered.
3.	Fill out and file the Affidavit of Service by Certified Mail with the court Attach the green card to it.

Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

AFFIDAVIT OF SERVICE BY
CERTIFIED MAIL

Respondent: _____

On this date: _____, I mailed the following legal papers in this case through
certified mail, with delivery restricted to the other party:

I mailed the papers to this address: _____

On this date: _____, I received the receipt signed by the other party
(attached), showing that the other party received the forms on this date: _____

My Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

(Attach green card here.)